

December 2, 2014 - Notes from Knolls Atomic Power Laboratory – Kesselring SPCC Plan revision issue
Charlie Zafonte, Dave Delwiche (DOE), Jeff Hill (DOE)

Employee: Kenneth Gelting, Bechtel Marine Propulsion Corporation (Contractor for DOE – KAPL – Kesselring site)

April 2010 – SPCC Plan Revision 19 (describes 2 ASTs as “aboveground – in contact with impervious barrier”)

Sept 2012 – Gelting completes draft of Revision 20, without knowledge of secondary containment flaws

April 2013 – Revision 20 approved

“During 2013” – Gelting discovers secondary containment issues with Tanks #005 and #006.

Sept 24, 2013 – SPCC oil drum storage area is relocated, triggering a 180-day time limit for SPCC Plan revision. Gelting initiates drafting of Revision 21. His draft identifies the two tanks as being out of compliance.

March 5 to April 25, 2014 – Manager initiates review, pressures Gelting to include two tanks in revision and certify their compliance. Revision 21 sits on the desk.

March 24, 2014 – due date for Revision 21 passes without completion (180 days after Sept 24, 2013 trigger for revision).

April 25 to May 8, 2014 – Gelting goes on vacation

May 8 – Charlie Zafonte is on-site for a MMI inspection. Gelting requests to speak to Zafonte but is denied by Bechtel management (Gelting’s manager and his manager’s manager). Zafonte is provided the Revision 20 version of the SPCC Plan from April 2013, without being informed of Revision 21 and the compliance issues with tanks #005 and #006.

May 2014 – Bechtel hires an independent consulting firm to certify the second containment for tanks 005 and 006. The firm declines to provide certification.

May 29, 2014 – Revision 21 is approved.

SPCC is hard for Fed Facility enforcement – but we CAN enforce fully against contractors (like Bechtel). It’s up to the region to decide how to go about it (DOE or Bechtel, or both)

Gracie – Believes we should not actively join DOE’s investigation team, but we should

Complainant (Ken Gelting) left company (Bechtel) in October 2014.

They’re setting up an investigation team to look into facts of allegation. “If EPA wants to participate in investigation”, we’re welcome. If not, we are certainly welcome to results of investigation.

- Charlie says we would welcome results of investigation, and that EPA is concerned about allegations.
- Two tanks (30k and 60k) are in the process of being drained and moved off-site.
 - o Charlie asks about considerations that led to removal of tank – did they include lack of secondary containment? They answer affirmatively, supporting Gelting’s claims.
- Replaced by a single new tank (30k)
- Charlie asks about Gelting trying to speak to him and being denied. Jeff Hill says that he is personally unaware of conversations that took place.
- When did DOE find out that there were no secondary containment on the tanks?

- A: End of May 2014
- Charlie points out that it's odd that they haven't provided EPA with newest version of SPCC plan, since it's been 6 months since May.
 - They'll send copy today
- Charlie: According to Gelting, he didn't leave the company, he was fired.
 - They claim to not know the details of how he left.
 - Jeff says he was told that he resigned.
 - Charlie says that
- Investigation: who will be involved? Procedures?
 - A: We follow DOE Employee Concern Program
 - Manager charts a team – that hasn't happened yet
 - Manager is high up in DOE chain, and team members are DOE as well
 - EPA can serve directly on chartered team, if we so choose
 - When will investigation get started?
 - A: Rather soon, as soon as next week. Will almost certainly get started before Christmas.
- Charlie: Any other reports/documentation that can provide information on where they are right now in the process?
 - A: A project summary can potentially be provided.
 - Especially looking for changes that will be anticipated for next revision of SPCC Plan
- They will follow up with NYS DEC Region 5 employee (Russ)

Charlie earlier summary email from 11/21/14:

Spoke with Ken Gelting this am, and from what I could gather, it seems that:

- Working for Bechtel as the P.E. on the facility's SPCC Plan, he learned in Sep 2013 that the facility's two 30k and 60k ASTs were not on concrete slabs as all previous SPCC Plans for the facility had indicated, but on a ring wall, and that the rock underneath the tanks was not providing secondary containment, but was full of water.
- He revised the SPCC Plan accordingly, but it remained on the desk of his supervisor (at Bechtel) since March 24, 2014.
- When he learned that I was on-site on May 7 -8, 2014, he asked to speak with me to advise me of the information, he was not granted permission.
- The Navy has replaced the tanks, and is in the process of removing the tanks with DEC oversight. Bechtel would not allow him to speak with DEC about the tank removals after he stated that he would advise them of the occurrences on May 7 – 8.

I want to do a little more digging, but it appears that:

- The Navy is, of course, doing the right thing in replacing the two tanks with SPCC-compliant tanks.
- When I requested the facility's SPCC Plan on May 7 -8, Bechtel withheld information contained in a March 2014 draft SPCC Plan that was inconsistent with the plan it provided to me and germane to a fundamental compliance aspect of the tanks, i.e., secondary containment. It is

also information that cannot be gathered from a visual inspection of the tanks, so one would have to rely on the SPCC Plan (or specs, which weren't available).

- I ain't no CID expert, but this looks, sounds, smells, tastes and feels like ...